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ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/2188/2022

NIRMOLA GOMES
VS
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 30th August, 2022.

Appearance:

Mr. Saurabh Guha Thakurta, Adv.

Ms. Rituparna Ghosh, Adv.

Mr. Sourav Sardar, Adv.

For the petitioner.

Mr. Parashar Baidya, Adv.

Ms. Sanjana Basu, Adv.

For the respondent nos. 5 & 6.

Ms. Sucharita Ray, Adv.

For the State.

The Court:-Although the issues involved cannot be adjudicated by a writ court, by issuing directions upon the police authorities, the Court tried to solve the family dispute. However, the Writ Court cannot decide on the arrangements to be made between the son, mother and sisters with regard to the use of their property. Admittedly, the property belongs to the son i.e. the respondent no.5. The son agreed to take care of the mother, but according to the son, the area of the premises in question is only 300 sq. ft. and it would not

be convenient for the respondent nos. 5 and 6 and the petitioner to live in such a small flat. The respondent no.5 has proposed that the mother should live with him and his wife, in the bigger flat in which the couple presently resides.

With regard to the articles in the flat, the learned advocate for the son submits that the petitioner is at liberty to enter into the said flat with police assistance and take all her belongings.

If the petitioner approaches the police for assistance, the police will be present during removal of all the articles, upon ensuring presence of the respondent no.5. The date and time will be fixed by the police. Thereafter, the flat shall be sealed by the police and keys shall be handed over to the respondent no.5. The removal of the articles shall be videographed and an inventory of the articles shall be made by the police authority. A copy of such inventory shall be supplied to the parties. A declaration shall be given by the petitioner, after she removes the articles. The petitioner is still at liberty to live with her son. The son has submitted before the Court that he will take every responsibility of the mother. The writ court cannot intervene further and the police authority cannot play a role in a family dispute, except attempting an amicable settlement.

The son and daughter-in-law, the respondent nos. 5 and 6, shall intimate the local police station in case the petitioner starts residing with them at their present address. The local police station

shall keep a vigil to ensure that the elderly lady is looked after well by the son and daughter-in-law. All other issues including the allegations and counter allegations are not entertained by the Court.

Accordingly, the writ petition is disposed of.

Parties to act on the server copy of this order.

(SHAMPA SARKAR, J)

snn.